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SUBJECT: TIP - SWITZERLAND: ANNUAL ANTI-TRAFFICKING IN PERSONS
REPORT

REF: STATE 132759

II. SUMMARY OF NEW DEVELOPMENTS

(U) Switzerland continued to make substantial progress in its anti-trafficking-in-persons practices and achievements, investigating and prosecuting TIP cases vigorously. In 2008, federal and cantonal (state) police led at least 26 investigations on trafficking or trafficking-related offenses. With regard to prosecutions, data for 2007 show that Swiss courts convicted at least 25 individuals for trafficking or trafficking-related offenses. (Note: The official data for 2008 convictions will be available from the federal statistics office in August. End Note) Punishments for convicted TIP offenders in 2007 ranged from fines to unsuspended prison sentences of up to four years. To further improve the process for gathering statistics on investigations and prosecutions, the 26 cantons decided to harmonize cantonal recording and reporting practices by 2010. The government cooperated with other governments in the investigation and prosecution of trafficking and trafficking-related offenses.

(U) On the legal front, the Penal Code defines human trafficking more comprehensively since 2007. Human trafficking, forced prostitution of minors, and child sexual abuse can also be prosecuted in Switzerland regardless of where the crime was committed.

(U) Protection: The government enacted new protective measures for TIP victims. The number of TIP victims referred by Swiss authorities to assistance centers for victims of crime rose from 90 in 2006 to 128 in 2007.

(U) Efforts to improve the legal protections of TIP victims continued. In 2008, the government amended the Federal Law on Foreigners, thereby reinforcing the legal framework in which cantons can provide TIP victims stays of deportation proceedings to recover from their trauma and weigh participation in judicial proceedings. The law further allows the federal government to logistically and financially assist trafficking victims and witnesses, for whom a return is acceptable, in the re-integration in their countries of origin. The government also revised the Federal Victims Assistance Law. The revision, which entered into force on January 1, 2009, enhances crime victims' right to emergency protections and allows cantons to pool resources to establish regional victim assistance centers specializing in certain types of crime (e.g. TIP).

(U) On September 8, 2008, the Swiss government signed the Council of Europe's Convention on Human Trafficking. The government is expected to submit a bill for the ratification of the Convention to the Parliament in 2009. Experts assess that current Swiss law largely meets the requirements of the Convention, with some adjustments still required in the area of witness protection.

(U) Prevention: Swiss government agencies continued to fund several prevention and protection programs abroad. In conjunction with the 2008 European Soccer Cup co-hosted by Switzerland in June, the government provided \$96,000 to an NGO-led advertising campaign to raise awareness among the visitors to the tournament and the public of the extent and the consequences of trafficking in persons. The campaign targeted male customers of commercial sexual services, calling on them to help potential victims of trafficking get access to aid organizations.

(U) The Federal Criminal Police established in September 2008 a mechanism to allow travel agencies and individual persons to tip off law enforcement bodies about child sex tourists. Switzerland pursued a zero-tolerance policy regarding sexual exploitation by personnel serving in international peace-keeping missions. All civil and military persons serving in peace-keeping missions are subject to the Code of Conduct of the UN (and/or NATO-PFP respectively) and undergo specific awareness raising training before deployment.

II. THE COUNTRYQS TIP SITUATION

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(U) A. The Swiss Federal Office of Statistics and the Swiss Federal Office of Police collect data on TIP and TIP-related crimes. Useful NGO information also is available, particularly with regard to assistance provided to victims of TIP crimes. Because Switzerland has a federalized system in which 26 cantons have primary and largely independent authority for law enforcement, national data collection is a more cumbersome process than in centralized states. Moreover, data on convictions and sentences often changes until judicial appeals processes have run their course, which can take 18 months or more. To further improve the process for gathering statistics on investigations and prosecutions, the 26 cantons decided to harmonize cantonal recording and reporting practices by 2010.

(SBU) The Federal Office of Police Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM) remains the best source for authoritative TIP data. While the KSMM routinely draws on its relationships with cantonal authorities to obtain TIP-related data, KSMM contacts have spearheaded efforts to harmonize the reporting of TIP data from the cantons to the Federal Office for Statistics, with a view to generating TIP data that is as comprehensive and authoritative as possible. In the context of this effort, the KSMM actively has solicited post's input, and even invited post's TIP POC to attend a KSMM meeting with representatives of the Federal Office of Statistics.

(U) B. Switzerland is primarily a country of destination for persons being trafficked, almost exclusively women, but transit also occurs. Trafficking occurs both across borders and within the country. Swiss officials estimate the number of trafficking victims at a few hundred per year. Several cantons (states), including Zurich, Geneva, Basel, Bern, Vaud, and Ticino, recorded an increase in the number of registered prostitutes and commercial sex establishments. Federal Police assess that the total number of potential trafficking victims currently living in Switzerland is between 1,500 and 3,000. The great majority of trafficking victims are forced into nude dancing and prostitution. Trafficking for the purpose of labor exploitation as domestic servants also occurs but is very limited.

(U) C. In some cases, victims are subjected to physical and sexual violence, threats to themselves or their families or both, drugs, withholding of documents, and incarceration. Police estimates suggest that up to 50 percent of illegal prostitutes' gross income is paid to brothel owners and traffickers who organize the passage and entry to Switzerland. While the majority of TIP victims still are found in Swiss urban areas, in recent years police and NGOs increasingly have encountered TIP victims working in contact bars in more rural areas.

(U) D. Both Federal Police and NGO sources noted an increase in 2007/2008 in the number of young women being trafficked into Switzerland for sexual exploitation from Eastern Europe, particularly Romania. TIP victims in Switzerland typically come from Eastern Europe and the former Soviet Union (Hungary, Poland, Bulgaria, Slovakia, Czech Republic, Slovenia, Romania, Ukraine, Moldova), Latin America (Brazil, Dominican Republic), Asia (Thailand, Cambodia), and to a lesser extent from Africa (Nigeria, Cameroon). The Zurich-based Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ) reported that roughly 50 percent of the 167 TIP victims counseled in 2008 came from Eastern Europe, another 27 percent from Latin America, about 14 percent from Asia, and the remaining 9 percent from Africa.

(U) E. Trafficking into the country is primarily performed by individuals and small groups related through ethnic, clan, or family ties, as well as, occasionally, organized criminals. Federal Police have reported that traffickers are increasingly well organized with far-reaching international networks. Often, the perpetrators and victims are from the same cities and regions. In addition to men, women also play a role in the recruitment, intermediary, or exploitation process. How many trafficking victims were lured into Switzerland under false pretenses and how many were brought in fully aware that they were going to engage in prostitution in Switzerland is unclear, but under Swiss law both are punishable as human trafficking.

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III. SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

(U) A. Government officials at the highest level acknowledge that trafficking is a problem. On September 8, 2008, the Swiss government signed the Council of Europe's Convention on Human Trafficking. The government is expected to submit a bill for the ratification of the Convention to the Parliament in 2009. Experts assess that current Swiss law largely meets the requirements of the Convention, with some adjustments still required in the area of witness protection. The cantons were consulted in advance on the matter, supported the signing of the Convention, and reported to the federal government that they were ready to perform the tasks required by its implementation.

(U) B. The Federal Office of Police (BAP) is the federal government's primary actor in anti-trafficking efforts. The BAP's Federal Criminal Police handles international cooperation and investigations of organized crime; the Service for Analysis and Prevention, i.e. the domestic intelligence service, does strategic analysis of information. The Federal Office of Police also hosts the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), which is the federal government's interdepartmental body to coordinate and monitor anti-trafficking efforts. The KSMM develops anti-TIP strategies and policies in consultation with its constituting ministries that retain final responsibility for their implementation.

(U) The prosecution of illegal prostitution (i.e. prostitution without a valid work permit) and trafficking of persons normally falls under the jurisdiction of cantonal police and judicial authorities. However, cases linked to organized crime fall under the authority of the federal authorities to investigate

and prosecute. The Federal Office of Migration has the lead in easing the return of trafficking victims and assisting in their re-integration in their home societies.

(U) The following government agencies are represented on the Steering Committee of the KSMM, taking active part in the fight against human trafficking:

Federal Level:

- Ministry of Foreign Affairs
 - Political Division IV (Human Security)
 - Directorate for International Law
 - International Development Cooperation

- Finance Ministry

- Swiss Border Guards

- Ministry for Justice and Police

- Office of the Prosecutor General
 - Federal Office for Migration
 - Federal Office of Justice
 - Federal Office of Police

- Economics Ministry

- Directorate of Labor

Cantonal (i.e. state) Level:

- National Conference of Cantonal Chiefs of Police

- National Conference of Prosecuting Offices

- National Conference of Equal Opportunity Offices

- National Conference of Victims Assistance Centers

- National Conference of Cantonal Migration Offices

NGOs/IOs:

- Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ), Zurich

- International Organization for Migration, Bern

- Foundation Terre des Hommes, Lausanne

(U) C. In general, criminal cases against traffickers are not pursued (for lack of evidence) unless their victims are willing to testify. Federal and cantonal police and immigration authorities follow a policy of granting potential TIP victims a stay of deportation proceedings to give them time to recover from their trauma and to let them freely decide whether to participate in judicial proceedings against their tormentors. On January 1, 2008, the New Federal Law on Foreigners became effective, which gives special protection to TIP victims or witnesses who testify against their traffickers and regulates their stay during and after judicial proceedings.

(U) A number of major urban centers and suburban cantons have

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established written agreements on a referral process for TIP victims in the context of regular roundtable meetings between NGOs and cantonal justice, police, and immigration authorities. As a direct result of the federal regulations to stay deportation proceedings and the better local cooperation between NGOs and law enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably.

(U) D. The Federal Office of Police's Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) is the federal government's main coordinating and monitoring body of its anti-trafficking efforts. Through its coordinating role, the KSMM keeps abreast of anti-trafficking efforts on all fronts (prevention, victim protection, and prosecution) both at the federal and cantonal level. In addition, its remit includes monitoring of parliamentary ratification of international conventions and offering expert advice on trafficking-relevant legislative reform.

(U) The KSMM has made available its assessment of Swiss anti-trafficking efforts to the Council of Europe, the OSCE, and the UN. The Federal Police's Service for Analysis and Prevention, i.e. the government's domestic intelligence service, does strategic analysis of human trafficking in and throughout Switzerland and publishes its findings in the Federal Office of Police's annual report on homeland security.

IV. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

(U) A. The Swiss Penal Code has two articles specifically prohibiting trafficking in persons: Article 182, effective since December 1, 2006, stipulates that anyone acting as the supplier, broker, or buyer in the trafficking of a human being for the purposes of sexual exploitation, labor exploitation, or to remove a body organ shall be liable to imprisonment or a fine, or both. The act of recruiting an individual for the purposes aforementioned also qualifies as trafficking and is liable to the same punishment. If the trafficking victim is a minor under 18 years of age or if the perpetrator repeatedly engages in human trafficking, the minimum penalty is a prison sentence of one year. Article 182 applies universally; traffickers are subject to prosecution in Switzerland even if the act of trafficking was committed abroad, and regardless of whether trafficking is a crime in the foreign country where the act took place.

(U) Article 195 prohibits the promotion of prostitution and states that anyone inducing a person into prostitution by abusing a situation of dependency or promising pecuniary advantage, anyone impairing a prostitute's freedom of movement by checking on the activities in question or fixing the place, time or extent or any other circumstances of the prostitution, or anyone secluding a person for prostitution shall be liable to imprisonment.

(U) Other forms of trafficking or exploitation of human beings are implicitly covered by the Penal Code's provisions against threat, coercion, deprivation of personal liberty, and kidnapping (Articles 180, 181, 183). The Immigration and Naturalization Law penalizes facilitating the illegal immigration of foreigners into Switzerland as well as the employment of foreigners without proper work permission. The Constitution implicitly bans forced or compulsory labor. Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation. Forced or bonded labor by children is explicitly forbidden under Article 30 of the 1964 Labor Act.

(U) B. The maximum sentence for trafficking in persons for sexual exploitation is a prison term of twenty years (Penal Code Article 182). Coercing someone into prostitution or restricting a prostitute's personal freedom (Penal Code Article 195) can carry a prison sentence of up to ten years.

(U) C. Under Penal Code Article 182 the penalties prescribed for trafficking for labor exploitation are the same as for trafficking for sexual exploitation. The minimum penalty is a fine; if the victim was a minor under 18 years of age, the

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minimum penalty is a one-year prison sentence. Maximum penalty is 20 years in prison. Article 182 explicitly prohibits all acts related to labor trafficking - recruitment, supply, transfer, or the receipt of persons being trafficked. Thus, both the labor recruiters in labor source countries and the employers or labor agents in labor destination countries are subject to prosecution in Switzerland. Article 182 applies universally; labor recruiters are subject to prosecution in Switzerland, even if the act was committed in a foreign country where labor trafficking may not constitute a criminal offense.

(U) D. The Penal Code also punishes rape, forcible sexual assault, and other sex crimes. Sexual activity with minors (Article 187) and sexual acts with dependent persons (Article 188) are punishable with up to five years imprisonment; sexual coercion (Article 189), rape (Article 190), and sexual violations of mentally or physically incapacitated persons (Article 191) are liable to a maximum ten year prison sentence; sexual acts with detainees (Article 192) and taking advantage of a person's distress or dependency due to employment or any other condition to induce a sexual act or acceptance thereof (Article

193) carry a maximum penalty of imprisonment for up to three years.

(U) E. The investigation and prosecution of forced prostitution and human trafficking as well as the protection of victims in Switzerland normally fall under the jurisdiction of the cantons, and national statistics lag by 6-18 months.

Investigations & Prosecutions

(U) Under Switzerland's federal structure, the cantons hold jurisdiction over most criminal infractions, and statistical records of reported crime and police investigations vary greatly from canton to canton. In 2007, the inter-cantonal Working Group on Human Trafficking and Migrant Smuggling established a database on the ongoing investigations and prosecutions on suspicion of human trafficking or forced prostitution in the cantons. Cantonal authorities report ongoing investigations/prosecutions on a voluntary basis. The data base is maintained by the Human Trafficking/Migrant Smuggling Investigative Unit of the Federal Criminal Police, which also coordinates inter-cantonal and international trafficking investigations. According to this developing database, there were at least 26 police investigations or prosecutions during 2008 for human trafficking for the purposes of sexual or labor exploitation.

CONVICTIONS

Year	Art. 196/182	Art. 195	Total
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1999	7	14	21
2000	5	17	22
2001	2	17	19
2002	2	11	13
2003	7	6	13
2004	2	12	14
2005	12	15	27
2006	5	14	19
2007	18	17	35

(U) (Note: Swiss Federal Police contacts inform us that statistics for 2008 will be available in August. End Note)

(U) In 2007, 25 individuals were convicted in charges brought for a total of 35 TIP offenses. Penalties for 2007 convictions ranged between 5 months suspended prison sentences to 4 years prison sentences; in addition the traffickers received fines ranging from \$86(100 Swiss francs) to \$18,292 (21,250 Swiss francs). The courts also convicted traffickers to pay a maximum of \$ 12,912 (15,000 Swiss francs) in moral damages.

(U) F. Investigators of the Federal Criminal Police receive specialized training in investigating incidences of organized crime, including human trafficking. Under the 2001 Efficiency Bill, the Federal Criminal Police obtained from the cantons the jurisdiction to investigate and prosecute more complex cases of human trafficking that span several cantons or are linked to

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organized crime. The Federal Criminal Police also handles international cooperation in the investigation of incidences of human trafficking.

(U) G. The Swiss government readily cooperates with other governments in the investigation and prosecution of trafficking cases. The Federal Criminal Police takes part in the expert working groups of both Europol and Interpol.

(U) Switzerland has a bilateral cooperation accord between Europol and the Swiss Police, allowing the latter to obtain information from Europol's intelligence files on organized crime, drug trafficking and terrorism. Under the terms of the agreement, Swiss Federal Police have assigned to The Hague a

liaison officer whose role is to support and coordinate the cooperation between Switzerland and other EU countries. There is also a Swiss Police liaison at the headquarters of Interpol.

(U) On October 15, 2008, Switzerland and Eurojust, an EU agency based in the Hague dealing with judicial co-operation, agreed to strengthen cooperation beyond the existing 2006 bilateral cooperation agreement in the fight against international crime. The agreement is intended to institutionalize the exchange of information between Switzerland and Eurojust, to ensure a high degree of data protection, and to allow for a Swiss liaison officer to Eurojust. Later on December 12, 2008, Switzerland also joined the EU-Schengen Area, which therefore enables Swiss judicial authorities to have access to the EU criminal database and fight more effectively against criminal networks.

(U) H. Extradition is permitted if the act in question is punishable under Swiss law and the law of the requesting state, liable to a term of imprisonment of at least one year, and no Swiss court is competent in the matter. No Swiss national shall be extradited to a foreign country for penal prosecution or execution of a verdict without his or her written consent. The person in question may revoke consent until the order for the extradition is issued. A request for extradition is complied with only if the requesting country accords reciprocity. Foreigners may be extradited to another state for offenses punishable under its laws or for serving a term of imprisonment if this state applies for extradition or accepts, upon request of the Swiss authorities, to prosecute the person in question or to execute a verdict cast by Swiss authorities. Swiss Police statistics record extraditions only by country so no extraditions statistics are available for specific criminal offenses. There have been no changes to extradition law.

(U) I. Trafficking is not tolerated in Switzerland, and there are no indications or reports that government officials are involved.

(U) J. N/A

(U) K. Prostitution is legal for Swiss citizens and foreign residents with valid work permits if the practitioners are registered with police and comply with taxation and other cantonal requirements. Pimping has been decriminalized since 1992, and brothel owners may legally sublet room and negotiate the terms with the prostitutes. However, Article 195 of the Penal Code penalizes abusing a state of dependency to induce someone into prostitution or restricting a prostitute's freedom with a prison term of up to ten years. Clients are not liable before the law, unless they knowingly engage in sexual relations with a prostitute younger than the required minimum age of 18 years.

(U) Some cantons (states) have adopted more stringent laws regulating the sex trade. A hotline for victims of human trafficking was launched in Geneva in June by the NGOs "Friends of Humanity" and "End Human Trafficking Now!" The hotline allows victims of human trafficking who are afraid to call the police to obtain support. By calling the hotline, victims can get social, psychological and medical assistance. They are also assisted in finding temporary shelter and legal advice.

(U) In May 2008, the Jura cantonal government announced a prostitution bill which would require persons engaged in prostitution or sex salons to register. The bill contains provisions adopted in the cantons of Vaud and Neuchtel in 2004 and 2005.

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(U) In the canton of Fribourg, prostitution reportedly has increased significantly in recent years. Many prostitutes are believed to be working illegally and it is suspected that many sex salons are not registered. According to cantonal police estimates, the canton of Fribourg officially has 250 registered prostitutes. In addition, there are 40 to 50 sex salons, and

eight cabarets employing many dancers from foreign countries. It is believed that many dancers, mainly from eastern European countries, also engage in prostitution.

(U) L. There have been no indications or reports that Swiss military or civilian personnel deployed on international peace-keeping missions have engaged in or facilitated severe forms of trafficking or exploited victims of such trafficking.

Switzerland pursues a zero-tolerance policy regarding sexual exploitation by personnel participating in international peace-keeping missions.

(U) M. The 2002 partial revision of the Penal Code providing for the extraterritorial coverage of Switzerland's child sexual abuse laws entered into force on January 1, 2007. Anybody violating Swiss child sexual abuse laws is subject to prosecution in Switzerland under the extraterritorial provisions of the Penal Code regardless of the legislation of the foreign country where the abuse took place.

IV. PROTECTION AND ASSISTANCE TO VICTIMS

(U) A. Under the Swiss Victims Assistance LAW (OHG), all TIP victims are entitled to help from government-funded victims assistance centers for abuse victims or women shelters and enjoy special safeguards during criminal proceedings, and cantonal authorities do provide these protections in practice.

Switzerland does not yet have a comprehensive witness protection program providing victims of crime with new identities.

(U) On January 1, 2009, a revision entered into force, which requires the cantonal victim assistance centers to take into account the special needs of different groups of victims of crime. Under the revised OHG, a canton can pay financial compensation to another canton for counseling services provided to a victim of crime within the latter canton's jurisdiction. This is meant to provide urban centers additional incentives and resources to establish specialized regional victim counseling centers, such as a victims' assistance centers tailored to supporting TIP victims.

(U) In 2007, Parliament adopted a new federal code of criminal trial proceedings that will supplant the existing 26 cantonal codes. The new federal code strengthens the existing witness protection measures under the OHG in order to avoid a perpetrator in a TIP case learning the identity of a prosecution witness and it gives witnesses the right to call on an attorney and/or a confidante during court proceedings. The government plans to put the new federal code into effect at the beginning of 2010. Implementation requires several years because, even under the new federal code of criminal trial proceedings, law enforcement remains the dominion of the cantons. Cantons need time to amend their legislation and adjust cantonal operating modes to the new federal regulations on court proceedings.

(U) Since 2003, the government has strengthened protective measures of cabaret/night club dancers on temporary artistic visas, so called L-permits, often thought of as being at special risk of being exploited by their employers. In 2003, the Economics Ministry, the Federal Office for Migration, the Association of Concert Halls, Cabarets, Nightclubs, and Discotheques (ASCO), and FIZ Zurich adopted a standard labor contract for the employment of cabaret dancers, effective beginning of 2004. The standard labor contract regulates the rights and responsibilities of both contracting parties, stipulates salary and the details of traveling costs, and contains labor law provisions on night shifts and rest periods. According to the terms of the standard labor contract, cabaret dancers earn a gross income of 4,800 Swiss francs for 23 working days per month. After deduction of a source tax, rent, social security, and unemployment insurance contributions, the cabaret dancers earn a net income of 2,200 Swiss francs per month. The Economics Ministry and the Cantonal Labor Inspectorates monitor

implementation. L-permit applicants have to sign a copy of their labor contract with the Swiss cabaret or nightclub in the presence of a Swiss consular official in their country of origin.

(U) In 2006, the Federal Office for Migration issued a new set of regulations regarding L-visa holders. The regulations explicitly stipulate that the contractual salary of the cabaret dancer be transferred to a bank account in that person's name and that the nightclub employer bears responsibility for signing a health insurance contract on the cabaret dancer's behalf, which must be mentioned in the labor contract. Both requirements are designed to facilitate the monitoring of working conditions by cantonal labor Inspectorates.

(U) B. Under the OHG, TIP victims, are entitled to free and immediate material and medical aid as well as psychological, social, and legal assistance. Local victims assistance centers have to provide TIP victims with a minimum of 14 days of emergency lodging, 14 days of living allowance, 4 hours of consultation with a lawyer and 5 sessions of psychotherapy, with all other expenses for medical treatment, transportation, personal safety, or translation services being covered by the government. If recovery requires more time, the government is obligated to assume the additional cost of longer-term care. The victims' assistance center may lodge a TIP victim in a shelter for battered women.

(U) According to Swiss federal government statistics, in 2007 (Note: the KSMM informs post that 2008 statistics will be available in August. End Note.) a total of 128 victims of human trafficking or forced prostitution received help from government victims assistance centers, compared to 90 in 2006. The NGO FIZ Makasi, an assistance center counseling TIP victims, assisted 167 trafficking victims in 2007, compared to 133 in 2006, 116 in 2005 and 85 in 2004. FIZ Makasi, which was launched in 2004 by the Zurich-based NGO FIZ, has received some financial contributions from the federal government and several cantons for counseling services offered to TIP victims under their jurisdiction. The Canton of Zurich in 2007 contracted out the counseling of TIP victims to FIZ Makasi and continues to support the umbrella agency FIZ.

(U) Foreign juvenile victims of crime under 18 years of age have to be placed under the protection of the Cantonal Guardianship Office (Vormundschaftsbehoerde) during their stay in Switzerland. In criminal court proceedings, the OHG provides special protective measures for juvenile victims of crime: Questioning by police or the investigative magistrate must occur soon and the testimony is recorded on videotape. Cross-examinations are not allowed. The questioning has to be done by a recognized expert and no more than two sessions are allowed. The law recognizes the special needs of juvenile victims of crime and they may only serve as witnesses of the prosecution if their testimony is indispensable for the conviction of a suspect.

(U) In case of the repatriation of a juvenile victim of crime (after the end of the stay-of-deportation proceedings or a criminal court procedure), the Federal Office for Migration and cantonal migration offices have to take into account that the person in question is a minor under 18 years of age. Under the law, a return to the country of origin is only permissible if the authorities have ascertained that the juvenile can be placed again in the care of the parents or a close relative, or if there is a satisfactory care structure in place in the country of origin.

(U) Post has requested information from Swiss authorities regarding whether specialized care for male victims of TIP is available in Switzerland, and will convey the result of that query in a supplemental report.

(U) C. Federal and cantonal governments provide some funding to NGOs and women shelters that provide services to TIP victims, primarily on the basis of agreed per capita payments for services rendered to victims. Under the 1993 OHG, all cantons are obligated to offer TIP victims the services listed above.

Internationally, the Swiss Ministry of Foreign Affairs provides funding to International Organizations and NGOs providing services to TIP victims, primarily through its development aid

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arm SDC and the rest through its human rights and human security division. Post has requested the MFAQs TIP-related funding statistics for 2008, and will provide that information in a supplemental report.

(U) D. The government does assist foreign victims of trafficking by granting relief from deportation and providing temporary to permanent residency status in cases of serious hardship. Under the Federal Law on Foreigners, effective January 1, 2008, cantonal immigration authorities are expected to grant TIP victims a minimum 30-day stay of deportation proceedings to let them recover from their trauma and weigh participation in judicial proceedings against their traffickers (cantonal immigration authorities have been granting temporary stays of deportation to TIP victims since 2004, in accord with federal guidelines). Cantonal immigration authorities may admit TIP victims willing to cooperate with judicial authorities for up to three months or may issue short-term residency permits (with the consent of the federal authorities) if the criminal investigation takes longer. In 2007, cantonal immigration offices granted the 30-day stays of deportation proceedings to 33 trafficking victims (39 in 2006) and issued 6 short-term residency permits for the duration of legal/court proceedings against their traffickers (three in 2006). Post will provide 2008 statistics on stays of deportation proceedings for TIP victims in a supplemental report, when that information is available from Swiss federal authorities.

(U) E/F. The new Federal Law on Foreigners further strengthens the legal status of TIP victims and witnesses, explicitly authorizing the government to waive normal immigration requirements and grant residency permits for victims of human trafficking as well as witnesses in human trafficking cases. The Federal Office for Migration grants trafficking victims temporary admission in Switzerland if they are at risk of personal harm as witnesses in criminal proceedings or if a return to the country of origin is deemed unreasonable. In 2007, four victims were granted such long-term residency permits on grounds of personal hardship after the end of court proceedings (three in 2006). The law also allows the federal government to logistically and financially assist trafficking victims and witnesses for whom a return is acceptable in their re-integration in their countries of origin. In April 2008, the Federal Office for Migration started a two-year pilot project to assist trafficking victims and witnesses in their return to and re-integration in their home societies. Post will provide 2008 statistics on any residency permits provided to TIP victims in a supplemental report, when that information is available from Swiss federal authorities.

G. The government enacted new protective measures for TIP victims. The number of TIP victims receiving counseling services from professional assistance centers for victims of crime rose from 90 in 2006 to 128 in 2007.

(U) Embassy contacts stress that statistics available indicate that persons on L-permits do not figure prominently among TIP victims. For example, of the 167 TIP victims counseled by the anti-TIP NGO FIZ in 2007, 30 had entered the country on a L-permit. Roughly half of the TIP victims counseled by FIZ crossed the border into Switzerland either without proper documentation or as tourists. Police authorities share the assessment that the great majority of TIP victims enter the country without any proper documentation.

(U) H. Ten cantons have established a formal referral process for TIP victims to improve their protection and security by regulating the procedures for identifying and referring TIP victims for assistance. As noted above, the government has strengthened protective measures of cabaret/night club dancers on temporary artistic visas, so called L-permits, often thought

of as being vulnerable to exploitation by their employers.

(U) I. Under the new Federal Law on Foreigners, effective January 1, 2008, cantonal migration authorities are expected to grant TIP victims a stay of deportation proceedings to recover from their trauma and weigh participation in judicial proceedings (cantonal immigration authorities have been granting temporary stays of deportation to TIP victims since 2004, in accord with guidelines sent out by the FOM). The new law further strengthens the legal status of TIP victims and

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witnesses, explicitly authorizing the government to waive normal immigration requirements and, in cases of serious hardship, grant residency permits for victims of human trafficking as well as witnesses in human trafficking cases.

(U) The new Federal Law on Foreigners also allows the federal government logistically and financially to assist in the voluntary return to and re-integration of trafficking victims and witnesses in their countries of origin. The Federal Office for Migration in April 2008 started a two-year pilot project to assist primarily victims and witnesses of human trafficking and secondarily cabaret dancers in Switzerland who are in an exploitative situation. The pilot project is being implemented in co-operation with cantonal bodies assisting returning migrants and the International Organization for Migration. Under the new Federal Law on Foreigners, the beneficiaries of the pilot program receive the same assistance and have access to the same counseling services as are offered to asylum seekers returning voluntarily. This includes financial, material, and medical assistance in the return to the country of origin. The pilot project takes into account the special needs of TIP victims (i.e. risk assessment, rehabilitation programs, etc.). After the pilot phase, the project will be evaluated and potentially modified. It is expected to be turned into an indefinite TIP victim return assistance program.

(U) J. The Swiss Government encourages TIP victims to assist judicial authorities in trafficking investigations and prosecutions by granting them temporary residency and financial support, and admitting them to stay if a return to their country of origin posed a serious risk of personal harm. The Swiss Victims Assistance Law (OHG) safeguards TIP victims' rights in criminal prosecutions with special rules for trial procedures and for compensation and redress. The OHG covers all victims of crimes, including foreigners staying illegally in Switzerland. The OHG provides for the special protection of witnesses' identity in criminal court proceedings: victims/witnesses may request the trial to take place behind closed doors and avoid confrontation with the defendant. The OHG is a federal law and thus binding on all cantonal codes of criminal trial proceedings. TIP victims may also file civil suits against their traffickers and seek financial compensation. Under the new Federal Law on Foreigners, effective January 1, 2008, TIP victims temporarily admitted for the duration of court proceedings against their traffickers may be issued a work permit during their stay.

(U) Several major urban centers have established a referral process for TIP victims in the context of regular roundtable meetings between NGOs and cantonal justice, police and immigration authorities. As a direct result of the regulation to stay deportation proceedings and the better cooperation between NGOs and law enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably. FIZ reports that of the 167 TIP victims being counseled during 2007, 83 were testifying to law enforcement officials against their trafficker. In 2005, 37 out of a total of 116 TIP victims had cooperated with judicial authorities. In other words, the percentage of TIP victims willing to testify against their traffickers rose from less than 10 percent to over 50 percent in a matter of a few years.

(U) K. The GOS provides extensive training for government officials in identifying trafficking victims and providing

assistance. The Swiss Police Institute in 2007 held specialized five-day anti-TIP workshops for migration and law enforcement officials and border guards.

(U) The Swiss Department of Foreign Affairs briefs experts and diplomatic personnel about the problem of trafficking in human beings prior to their postings abroad, and draws their attention to a code of conduct drafted by a joint working group on human trafficking. According to these rules, diplomatic staff shall stay clear of any person who can reasonably be suspected of engaging in trafficking in human beings or those who are involved in other criminal activities under the laws of either the host country or of Swiss or international law. The Department of Foreign Affairs also urges its embassies and consulates to develop ongoing relationships with NGOs assisting trafficking victims.

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(U) The Federal Department of Foreign Affairs anti-TIP information and prevention program for visa applicants is conducted by all Swiss consulates worldwide. The program (that started as a pilot project at Embassies Moscow and Kiev) consists of the following elements: a personal interview with every first-time L-visa applicant; the signing of a standardized labor contract with a Swiss night club in the presence of a Swiss consular official; a briefing of the L-visa applicant on her or his legal and contractual rights; and an information brochure with the phone numbers and addresses of victim assistance hotlines or drop-in centers in Switzerland for persons in need.

(U) L. N/A

(U) M. The following is a list of IOs and NGOs operating in Switzerland that provide services to trafficking victims:
Terre des Hommes, Switzerland;
Ecpat Switzerland (end child prostitution, child pornography and trafficking of children for sexual purposes);
International Organization for Migration;
International Labor Organization;
Women's Information Center for Women from Africa, Asia, Latin America and Eastern Europe (FIZ): counseling, publications/articles, symposiums/workshops, participation in round tables with aids-prevention and anti-violence groups, multi-lingual educational radio programs, and international contact building.

(U) In addition, a number of smaller NGOs counseling women in the sex trade as well as women shelters that exist in most urban centers, deal with the problem of human trafficking. A great number of these organizations are linked in the national network "Prostitution Collective Reflection" (ProKoRe). The major counseling centers and primary points of contact of ProKoRe are FIZ in Zurich, Xenia in Bern, and ASPASIE in Geneva.

(U) The national organizations and domestic NGOs typically deal with TIP victims, prostitutes, and victims of domestic violence and offer victim counseling, crisis intervention and emergency lodging, legal and medical assistance, and assisted returns to the country of origin. Cooperation with local authorities is varied but typically includes regular meetings and institutionalized information exchange, cooperation in the context of working groups or roundtables, financial support by local communities and cantons, as well as public funding for specific projects.

VI. PREVENTION

(U) A. In conjunction with the European Soccer Cup (Euro 08), which Switzerland hosted jointly with Austria in June 2008, the federal government provided \$96,000 (100,000 Swiss francs) to NGOs to kick-start suitable public awareness campaigns against trafficking and forced prostitution. The campaign primarily targeted potential QclientsQ of prostitutes.

(U) The Swiss Ministry of Foreign Affairs hosted a conference on November 12 dedicated to the topic of QThe Overlaps of Prostitution, Migration, and Human Trafficking.Q The conference was held in Bern and attended by experts from governments, NGOs, and multi-lateral organizations (please see also BERN 32).

(U) B. Switzerland's borders are adequately monitored and immigration regulations are stringent. Switzerland's visa sections in countries of origin inform applicants of "artistic visa" or L-permits about their rights when working in Switzerland. Information brochures are available in 16 languages. Some embassies have also displayed respective information on their homepage.

(U) Swiss Foreign Affairs Department officials have sensitized visa adjudicators to the problem and have invited NGOs to give training to embassy staff.

(U) The Swiss Border Guards, an administrative unit of the Federal Department of Finance, cooperate closely with the Federal Office for Migration on issues of asylum and migration. Combating irregular migration and the smuggling of migrants is a priority for the Swiss Border Guards. Border Guard officials

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receive special training to heighten awareness of human trafficking as part of the normal training program. Members of the Swiss Border Guards took part in the training classes in combating human trafficking held at the Swiss Police Academy in Neuchatel in April and October 2007. Border guards report all suspicious activities to the cantonal police force of the area, which holds sole authority for further criminal investigations. However, in practice it has proven difficult for border guard officials to spot victims of human trafficking because the latter often give only limited information about themselves and commonly do not denounce their traffickers out of fear of reprisals. The leadership of the Swiss Border Guards, the Federal Office for Refugees, and the Federal Office for Migration are all represented on the KSMM to assure the flow of information and the analysis of immigration patterns for evidence of trafficking.

(U) The Ministry of Foreign Affairs constantly adjusts measures to combat visa abuse, ensuring that procedures are tailored to local conditions. In 2005 the MFA introduced systematic risk assessments and began subjecting Swiss missions to comprehensive inspections every four years. The MFA puts special importance on raising awareness among visa clerks and their line managers and on their careful screening and preparation for the task in high-risk missions.

(U) C. The key office coordinating the anti-trafficking efforts of the various government agencies is the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), which started operations at the beginning of 2003. Formally a part of the Federal Office of Police, the KSMM processes and passes information and coordinates policy within the federal administration as well as between the federal agencies and the cantons (states). It is also the primary point of contact for international inquiries on all issues linked to illegal migration and human trafficking.

(SBU) In May 2008, the Swiss federal government organized a visit of 15 Swiss police, judicial, and NGO officials to Romania for a dialogue on TIP prevention and to coordinate on some concrete TIP cases. MFA officials have informed post that the Swiss federal government plans to use this exchange as a model for dialogue and coordination with other countries.

(U) Internationally, Switzerland was one of the initiators of the OSCE Action Plan to Combat Trafficking in Human Beings and has been supporting the OSCE Special Rapporteur since 2000, both financially and with expert secondments.

(U) D. The KSMM seeks to implement the national action plan that

its interdepartmental steering committee first adopted in 2003. In keeping with its decentralized structure, the steering committee is the KSMM's highest organ. The steering committee consists of directorate-level representatives of the federal departments involved in combating human trafficking, delegates from cantonal conferences and associations, as well as representatives from three NGOs and international organizations with a consultative status. The Steering Committee sets targets and the guidelines for the KSMM's activities and controls the drafting and implementation of measures. The Steering Committee is chaired by the Federal Office of Police. Specific measures are developed and implemented either by working groups set up for that purpose or by individuals with special support from the KSMM Secretariat.

(U) E. In conjunction with the European Soccer Cup (Euro 08), which Switzerland hosted jointly with Austria in June 2008, the federal government provided \$96,000 (100,000 Swiss francs) to NGOs to kick-start suitable public awareness campaigns against trafficking and forced prostitution. The campaign primarily targeted potential clients of prostitutes.

F. (U) In summer 2008, the Association of Travel Offices in Switzerland signed an International Code of Conduct related to preventing child abuse abroad. In coordination with this effort, the Swiss federal police added a form to its internet site where suspected incidents of child sex tourism can be reported to appropriate law enforcement authorities.

(U) G. Switzerland pursues a zero-tolerance policy regarding sexual exploitation by personnel serving in international peace-

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keeping missions. It lobbied multilateral bodies to adopt a zero-tolerance policy and has itself adopted this policy in its National Action Plan to implement UN Security Council Resolution 1325 (which the GOS adopted on January 31, 2007). All civil and military persons serving in peace-keeping missions are subject to the Code of Conduct of the UN (and/or NATO-PfP respectively). Specific Swiss government training modules discuss the problem of human trafficking and the vulnerability of women to sexual abuse in armed conflicts - including also by international peacekeepers. At the duty station, establishments associated with commercial sex are designated off-limits to staff deployed on peace-keeping missions. Compliance with this regulation is monitored by Swiss military policing units on the ground and violations are punished. There have been no reports of serious misconduct of Swiss civilian or military staff deployed on international peace-keeping missions.

Post POC

(U) Chris Buck, Deputy POL/E Counselor
Tel. [41] (31) 357-7213
Fax. [41] (31) 357-7344

[Note: Post will provide an estimate of the number of hours spent in preparation of this report (and the ranks of the various personnel contributing those hours), when the report has been finalized. End Note]

CARTER